

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In Re:

GABRIEL S. FONTANA, : Case Number 22-22293 CMB
:
Debtor, :

**ORDER CONVERTING CASE UNDER
CHAPTER 11 TO CASE UNDER CHAPTER 7**

A party in interest other than the Debtor has filed a motion in accordance with *11 U.S.C. §1112(b)* seeking to convert the case to a case under Chapter 7 of the *Bankruptcy Code* (*Title 11 of the United States Code*.) The Court finds, after notice and a hearing, that the motion should be granted.

AND NOW, this *12th* day of *April, 2024*, it is **ORDERED, ADJUDGED and DECREED** that:

- (1) This Chapter 11 case is **CONVERTED** to a case under Chapter 7.
- (2) The Debtor (for the period in which it operated as a debtor-in-possession) and the Chapter 11 Trustee (for the period in which it served as trustee) shall:
 - (a) ***forthwith*** turn over to the Chapter 7 Trustee all records and property of the estate under its custody and control as required by Bankruptcy Rule 1019(4);
 - (b) ***within 14 days*** of the date of this Order, file a schedule of all unpaid debts incurred after the commencement of the Chapter 11 case, as required by Bankruptcy Rule 1019(5), and a list of all post-petition claimants with their names and addresses. ***The Clerk shall reject for filing any list of claimants which is not filed in matrix format;***
 - (c) ***within 14 days*** of the date of this order, file a Financial Report (or reports) covering the period from the last filed financial report through the date of Conversion; and,
 - (d) ***within 30 days*** of the date of this Order, file an accounting of all receipts and distributions made;
 - (e) ***it is Counsel for Debtor's responsibility to insure that the above reports are timely filed and failure to do so may result in sanctions against counsel. See paragraph 6 below.***

(3) **Within 14 days** of the date of this *Order*, the Debtor shall file the *Statements* and *Schedules* required by *Bankruptcy Rules 1019(1)(A) & 1007(b)*, if such documents have not already been filed.

(4) If the case is Converted after the Confirmation of a Plan, **within 30 days** of the date of this *Order*, the Debtor shall file a:

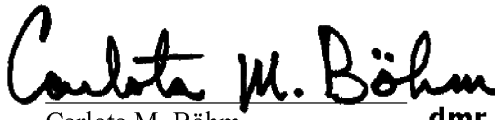
- (a) **Schedule of all property** not listed in the *Final Report and Account* of the Debtor-In-Possession or Chapter 11 Trustee which was acquired after the commencement of the Chapter 11 case but before the entry of this Conversion Order;
- (b) **Schedule of Executory Contracts and Unexpired Leases entered** into or assumed after the commencement of the Chapter 11 case but before the entry of this Conversion Order;
- (c) **Schedule of Unpaid Debts** not listed in the *Final Report and Account* of the Debtor-In-Possession or Chapter 11 Trustee which were incurred after the commencement of the Chapter 11 case but before the entry of this Conversion Order, as required by *Bankruptcy Rule 1019(5)*;
- (d) **Statement of Intention** with respect to retention or surrender of property securing consumer debts, as required by *11 U.S.C. §521(2)(A)* and *Bankruptcy Rule 1019(1)(B)*, and conforming to *Official Form 8*.

(5) It is **FURTHER ORDERED** that the Clerk shall send the notice required by *Bankruptcy Rule 1019(6)*. If the report per Paragraph 2(b) is filed in time for the Clerk to include post-petition creditors in the §341 Notice mailing, the Clerk shall so include the post-petition creditors in that mailing. If the report per Paragraph 2(b) is not filed in time for inclusion of the post-petition creditors in the §341 Notice mailing, the Clerk shall send, within ten (10) days of the filing of the Paragraph 2(b) report, the notice required by *Bankruptcy Rule 1019(6)*.

(6) It is **FURTHER ORDERED** that **within forty-five (45) days** hereof all Chapter 11 fee petitions by any professional shall be filed with the Clerk of the Bankruptcy Court and the hearing shall be self-scheduled on Judge Böhm's motions calendar.

(7) It is **FURTHER ORDERED** Counsel for Debtor shall **immediately** serve a copy of this *Order* on any professional of record in the above case and shall file a certificate of service with the Clerk of the Bankruptcy Court within ten (10) days hereof.

FILED
4/12/24 9:46 am
CLERK
U.S. BANKRUPTCY
COURT - WDPA


Carlota M. Böhm **dmr**
United States Bankruptcy Judge

In re:
Gabriel S. Fontana
Debtor

Case No. 22-22293-CMB
Chapter 7

CERTIFICATE OF NOTICE

District/off: 0315-2
Date Rcvd: Apr 15, 2024

User: auto
Form ID: pdf900

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 17, 2024:

Recip ID	Recipient Name and Address
db	+ Gabriel S. Fontana, 3160 Leechburg Road, Pittsburgh, PA 15239-1031

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 17, 2024

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 15, 2024 at the address(es) listed below:

Name	Email Address
Andrew Kevin Pratt	on behalf of Debtor Gabriel S. Fontana apratt@c-vlaw.com kmosur@c-vlaw.com;ssimmons@c-vlaw.com;jadam@c-vlaw.com;eballa@c-vlaw.com;mlocke@c-vlaw.com;akpratt.ecf@outlook.com;ncalaiaaro@c-vlaw.com;pgualtieri@c-vlaw.com
Charles N. Shurr, Jr.	on behalf of Creditor National Loan Investors L.P. cshurr@kozloffstoudt.com, dgabala@kozloffstoudt.com;lbemis@kozloffstoudt.com;hdavis@kozloffstoudt.com
Christos A. Katsaounis	on behalf of Creditor Commonwealth of Pennsylvania Department of Revenue RA-occbankruptcy5@state.pa.us, RA-occbankruptcy6@state.pa.us
David W. Raphael	on behalf of Creditor First National Bank of Pennsylvania raphaeld@fnb-corp.com
Denise Carlon	on behalf of Creditor THE HUNTINGTON NATIONAL BANK dcarlon@kmlawgroup.com

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User: auto

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Jonathan R McCloskey

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Kate Bradley

on behalf of U.S. Trustee Office of the United States Trustee kate.m.bradley@usdoj.gov

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TOTAL: 21